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4 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
5 **OF THE STATE OF WASHINGTON**

6 In the Matter of Enforcement Action Against:

PDC CASE NO. 06-302

7 Whatcom County Democratic Central
8 Committee,

FINAL ORDER

9 Respondent
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11 This matter came for hearing before the Washington State Public Disclosure
12 Commission on March 23, 2006 at the PDC offices in the Evergreen Plaza Building, Room
13 206, 711 Capitol Way South, Olympia, Washington. Those present included Commission
14 members Earl Tilly, Chair; Jane Noland, Vice-Chair, Bill Brumsickle, Secretary, Mike
15 Connelly and Ken Schellberg. Also present were PDC Executive Director Vicki Rippie;
16 Phil Stutzman, PDC Director of Compliance; Senior Counsel Nancy Krier for the
17 Commission; and, on behalf of the Respondent, Barry Buchanan, Chairman of the
18 Whatcom County Democratic Central Committee. The proceedings were open to the
19 public and were recorded.

20 This matter involved allegations that the Respondent, a bona fide political party
21 organization, violated state statutes by failing to timely file reports of contributions
22 received, and by failing to timely file summary reports of contributions and expenditures.

23 PDC Staff submitted to the Commission the Notice of Administrative Charges dated
24 March 13, 2006 and the Report of Investigation dated March 13, 2006 (with exhibits). PDC
25 staff also submitted a chart summarizing penalties assessed in comparable cases. The
26 parties submitted to the Commission a Stipulation as to Facts, Violations and Penalty

1 (Stipulation) dated March 22, 2006. The parties also made oral presentations to the
2 Commission.

3 Following consideration of the written and oral submissions, the Commission voted
4 5-0 to accept the stipulated facts and violations portion of the Stipulation. The Commission
5 did not accept the civil penalty portion of the Stipulation. The Commission voted 3-2 to
6 impose a civil penalty as noted below. Barry Buchanan, on behalf of the Respondent,
7 accepted the change to the civil penalty portion of the Stipulation that was imposed by a
8 majority of the Commission.

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10 **I. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

11 Based upon the Stipulation which is hereby incorporated by reference as to the
12 findings of stipulated facts and conclusions of violations of law, the Commission finds:

13 The Respondent committed multiple violations of RCW 42.17.080 and RCW
14 42.17.090 during 2005 and 2004 by failing to timely file C-3 reports of contributions
15 received, and by failing to timely file C-4 summary reports of contributions and
16 expenditures as provided in the Stipulation.

17 **II. ORDER**

18 Based upon the findings and conclusions, the Commission orders that:

- 19 1. The stipulated facts and violations portion of the Stipulation is accepted;
- 20 2. The Respondent is assessed a civil penalty of \$3,500;
- 21 3. \$1,000 of the assessed penalty will be suspended on the condition that the
22 Respondent commits no further violations of RCW 42.17 for four years from the date of the
23 Commission's final order.
- 24 4. The Respondent agrees to pay \$1,250 of the non-suspended portion of the
25 penalty within 30 days of the date of the Commission's final order in this matter, and to pay
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1 the remaining non-suspended portion of the penalty (\$1,250) within 60 days from the date
2 of the Commission's final order.

3 4 **III. APPEALS**

5 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

6 Any party may ask the Commission to reconsider this final order. Parties must
7 place their requests for reconsideration in writing, include the specific grounds or reasons
8 for the request, and deliver the request to the Public Disclosure Commission Office within
9 **TWENTY-ONE (21) BUSINESS DAYS** of the date that the Commission serves this order
10 upon the party. WAC 390-37-150. Service by the Commission on a party is accomplished
11 on the date of mailing by U.S. mail if the order is mailed, or the date of personal service if
12 personal service is made. RCW 34.05.010(19). The Commission orders are generally
13 mailed via U.S. mail.
14

15 Pursuant to WAC 390-37-150, the Public Disclosure Commission is deemed to have
16 denied the petition for reconsideration if, within twenty (20) business days from the date the
17 petition is filed, the Commission does not either dispose of the petition or serve the parties
18 with written notice specifying the date by which it will act on the petition. Pursuant to
19 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure
20 Commission to reconsider the final order before seeking judicial review by a superior court.
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22 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

23 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
24 Commission is subject to judicial review under the Administrative Procedures Act, chapter
25 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
26

1 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
2 County or the petitioner's county of residence or principal place of business. The petition
3 for judicial review must be served on the Public Disclosure Commission and any other
4 parties within **30 days** of the date that the Public Disclosure Commission serves this final
5 order on the parties. RCW 34.05.542 (4) provides: "Service of the petition on the agency
6 shall be by delivery of a copy of the petition to the office of the director, or other chief
7 administrative officer or chairperson of the agency, at the principal office of the agency.
8 Service of a copy by mail upon the other parties of record and the office of the attorney
9 general shall be deemed complete upon deposit in the United States mail, as evidenced by
10 the postmark."
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13 If reconsideration is properly sought, the petition for judicial review must be served
14 on the Public Disclosure Commission and any other parties within thirty (30) days after the
15 Commission acts on the petition for reconsideration.


16 **ENFORCEMENT OF FINAL ORDERS**

17 The Commission will seek to enforce this final order in superior court under RCW
18 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid
19 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
20 will be taken without further order by the Commission.
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1 The Executive Director is authorized to enter this order on behalf of the Commission.

2 DATED THIS 28th day of March 2006.

3 FOR THE COMMISSION:

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5 _____

6 VICKI RIPPIE, Executive Director

7 *Attachment:* Stipulation as to Facts, Violations and Penalty dated March 22, 2006

8 *Date of mailing:*

9 3/28/06
10 _____

11 *Copy mailed to:*

12 Whatcom County Democratic Central Committee, Respondent, Barry Buchanan, Chairman

13 Nancy Krier, Senior Counsel, Attorney General's Office
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